



140 Grand Street, Suite 705, White Plains, New York 10601
t 914.686.1500 • f 914.487.5000 • www.yankwitt.com

White Plains, NY
Atlantic City, NJ

January 29, 2024

Via Electronic Case Filing

The Honorable Vincent L. Briccetti
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street, Courtroom 630
White Plains, New York 10601

Re: *White Plains Aviation Partners, LLC, d/b/a Million Air White Plains v. The County of Westchester*, Case No. 21 Civ. 5312 (VB)

Dear Judge Briccetti:

Pursuant to the Court's Order, dated January 23, 2024, counsel for plaintiff White Plains Aviation Partners, LLC, d/b/a Million Air White Plains ("Million Air"), and counsel for defendant County of Westchester (the "County"), jointly submit this status update regarding their ongoing discussions concerning the material issues in this matter. As set forth below, based on the status of these discussions, the parties jointly request a continued stay of the litigation, from January 30, 2024, until the next pretrial conference on February 21, 2024.

Previously, by Order dated November 20, 2023, the Court granted the parties' joint request to stay this action because of ongoing settlement discussions, including a proposal to put a "T-Hangar" on Million Air's leased premises back into service, as well as other issues that relate to light general aviation use and Million Air's proposed new hangar. Since the Court's Order, the parties have completed the process of putting the T-Hangar back into service, which, according to the County, has resolved, or will soon resolve, three of the five counterclaims asserted by the County in this action. The parties are also in the process of negotiating a lease amendment regarding, inter alia, a parking area at the airport, which, if approved by both parties, would resolve a fourth counterclaim.

The parties also continue to be engaged in discussions together with the Federal Aviation Administration ("FAA"), that relate to light general aviation use and Million Air's proposed new hangar, including an Environmental Assessment required as part of the approval process for that hangar. In particular, the parties have agreed to meet in-person on February 15, 2024, and then report back to the FAA concerning the results of that meeting and to discuss potential next steps.

Most importantly, the parties' ongoing actions all continue to relate directly to the claims and counterclaims in this action. Even if the parties are unable to resolve the entire litigation, the parties' ongoing efforts should, at a minimum, streamline or reduce the material issues in the case, allowing for more focused and reduced discovery and depositions. An additional stay will also allow the parties to continue to focus their resources on these involved discussions and associated tasks.

Hon. Vincent L. Briccetti
January 29, 2024
Page 2 of 2



For all of these reasons, the parties jointly request a continued stay of the current litigation, until February 21, 2024. If the Court grants this request, the parties propose that they be allowed to update the Court at the February 21, 2024 conference as to the status of their ongoing discussions and efforts.

The parties thank the Court for its consideration of their request.

Respectfully submitted,

YANKWITT LLP
Counsel for Plaintiff Million Air

By: /s/ Russell M. Yankwitt
Russell M. Yankwitt
Ross E. Morrison
Jonathan Ohring

JOHN M. NONNA
Westchester County Attorney
Counsel for Defendant County of Westchester

By: /s/John M. Nonna
John M. Nonna
Shawna Macleod
Sean Carey